

The Right to Refuse Treatment Based on the Buddhist Ethics

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Abstract

The Right to Refuse Medical Treatment in line with the Buddhist Ethics aimed at studying the concept and process of refusing the medical treatment in the western and eastern countries and in the concept of Buddhist Ethics.

Regarding to the concept of refusing the medical treatment, it has been occurring in the United States of America and other countries. The reject of blood transfusion due to the religious belief, unable to heal due to the high medical expense and living in the desolate society without relatives therefore they refused to the treatment. However, the Thai people have been influenced from abroad as well, but the factors of refuse to treatment were different viz., to help the hopeless patients from their sufferings, to reduce the cost of treatment from the relatives and the will to die or live is the personal freedom.

The process of legal right to refuse medical treatment based on the National Health Act, B.E. 2550, it is defined in the Ministerial Regulation Section, 1 on the Rights and Duties of Health Article 12. The statements can be summarized as: persons have right of writing a letter of intent to refuse the medical treatment that is just to prolong life or to end the suffering from illness. If the doctor has followed the letter of intent under paragraph one, he or she is not considered as doing the wrong action.

Regarding to the problem analysis on the legal right to refuse medical treatment based on the National Health Act, B.E. 2550, it was found the disagreement about the National Health Act that has vulnerable to implementation, and because there are many invalid aspects based the rules and regulations. However, the Buddhist Ethics presented the idea of right and wrong and the solution of the legal right to refuse medical treatment for 3 stages viz., 1) the Fundamental Buddhist Ethics - Pañcasīla or the Five Precepts and Pañcadhamma: the five ennobling virtues, 2) Intermediate Buddhist Ethics- Kusala-kammapha: whole some course

of action and akusala-kammāpatha: unwholesome course of action and 3) Advance Buddhist Ethics – Ariyamagga: the Eightfold Noble Path and included the criteria of wholesomeness and unwholesomeness as: 1) intention, 2) Action and 3) Fruition. Therefore, if a person conduct in wrong act of the primarily Buddhist Ethics is considered as the wrong action based on the Buddhist Ethics.

Keywords: Right to Refuse Treatment, Buddhist Ethics

Introduction

In the Buddha's time, the Great Decease of the Buddha or *Parinibbāna*, it was considered as the refuse of medical treatment that has occurred in Buddhism. After the Buddha has received and eaten the food of Cunda, He faced the great ill with the bloody stool. The Buddha refused the medical treatment or using the supernatural power viz. Iddhipāda Bhavanā; the four Roads to Power, Samāpatti; the meditative attainments or listen to Bojjhaṅga Paritta; verses of protection. He heads to City of Kusinārā - place where the Buddha passed away into Parinibbāna as the announcement of His coming death in three months on the Full-Moon Day of the third lunar month. In case of Buddhadassa, he had ordered to his followers that do not use technology to rescue him. He needed to pass away consciously and peacefully without the medical instruments.

At present, the medical devices and the sciences have rapid progress and results a profound effect on the work of doctors, nurses, clinical success and beneficial to the patient to live a normal life. However, advances in medical science and technology also have the bad side, if the patient cannot be restored to normal. At present, there is some group of people as lawyers, Physicians and religious leaders and so on. They attempt to find the solution of 'how to die peacefully' without the sufferings of the patients. The new legal terminology was invented as 'right to refuse treatment' in many countries.

Even though, Thailand has been influenced from abroad and maintain the right of everyone in order to physicians and patients decide more easily what they should or not. When a patient is diagnosed, cannot be cured, and at the end of life. Many organizations have been driven by law with 3 reasons as: 1) to help the patient in despair to release his or her pain, 2) to lighten the burden of the cost of medical and 3) the will to die or live is the personal freedom. Therefore, The National Health Act 2550

B.E, Section 12 was enacted.

For these reasons, the researchers are interested to make an analytical study on the right to refuse the medical treatment in line with the Buddhist Ethics with included the individual, regal, medical and religious dimensions. This study is focused on the concept and theory of the refuse on the medical treatment and to study the conditions and methods of using the right to refuse treatment under the National Health Act 2550 with the critical study on the right to refuse treatment based on Buddhist ethics. The Buddhist ethics that used in this research were 1) the Fundamental Buddhist Ethics - Pañcasīla or the Five Precepts and Pañcadhamma: the five ennobling virtues, 2) Intermediate Buddhist Ethics- Disà: directions; quarters and 3) Advance Buddhist Ethics – Tilakkhaḍa: the Three Characteristics. In order to make clear understanding of the right to refuse the medical treatment in line with the Buddhist Ethics especially in Thailand.

Objective

1. To study the concept and procedure of using the right of refusing the medical treatment in western and eastern countries.
2. To examine the concept and procedure of using the right of refusing the medical treatment in Buddhism.
3. To analyze the right of refusing the medical treatment based on the Buddhist Ethics.

Methodology of research

This study was conducted by the qualitative research and descriptive method with the application of Buddhist ethics. The processes of research are as follows.

1) The primary sources were the fundamental concept and procedure of the right to refuse the medical treatment. The sources were focused on the Mahachulalongkornrajavidyalaya Thai Tipitaka, B.E. 2539 and the Constitution of the Kingdom of Thailand, the National Health Act and textbooks.

2) To study the destruction of life and be anxious for the welfare of life in line with Theravada Buddhism and to examine the right to refuse the medical treatment based on the Buddhist ethics viz., the Fundamental, Intermediate and Advanced.

3) To analyze, criticize and applied the Buddhist ethics with the modern ethics on the destruction of life and be anxious for the welfare of life and the right to refuse the medical treatment.

Result of research

The concept of refuse to treat has been occurring in the United States of America. The reject of blood transfusion due to the religious belief, unable to heal due to the high medical expense and living in the desolate society without relatives therefore they refused to the treatment. However, the people in Thailand have been influenced from abroad as well, but the factors of refuse to treatment were different viz., to help the hopeless patients from their sufferings, to reduce the cost of treatment from the relatives and the will to die or live is the personal freedom.

The process of legal right to refuse medical treatment based on the National Health Act, B.E. 2550 is defined in the Ministerial Regulation Section 1 on the Rights and Duties of Health Article 12. The statements can be summarized as: persons have right of writing a letter of intent to refuse the medical treatment that is just to prolong life or to end the suffering from illness. If the doctor has followed the letter of intent under paragraph one, he or she is not considered as doing the wrong action.

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Conclusion

Venerable Phra Dhammapitaka (P.A. Payutto) mentioned on the death that ‘Life Cannot be determined, people should live by the heedfulness and fearless. If we live with fear, it would become more sufferings. The end of life, it is also considered as an important. The peaceful death is not only to appear in a blissful state, but also to pass away with mindfulness.

Venerable Phra Paisarn Visàlo mentioned that to face the death with mindful and peaceful, it can be summarized that ‘mortality’ is the way to make us realize on the right way of living and entering the state of health and encourage society with mercy on each other. The “death” is a universal truth that all men are exposed. If they truly understand death the happiness in the level of the individual and the society will occur.

Somporn Promta mentioned on the right of life and life prolonging, he said that in Buddhism, we own our life and action; whether good or bad. People can control themselves to be or not to be. This is what we call ‘Man own life’, therefore humans have a right to life. The right to life can be divided into 2 as: the right to life and the right to die.

The Secretary General of the National Health, Dr. Amphon Chindawatthana mentioned on the right to refuse the medical treatment that to prolong lives of patients at the end of life by using medical technology, it is considered as a death without dignity of the human and reduce the human value.

Phaisarn Limsatith and Abhichat Khansean mentioned that the right to refuse medical treatment belongs to the patient. The World Medical Council or WMC has issued a statement announces intention to advance and prescribed by law in many countries. Thailand’s National Health Act Section 12 requiring a letter of intent must not to take the health services without the law.

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